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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.16648 of 2020
Date of Decision: 15.03.2021**

**HARPREET SINGH @ LOVELYPetitioner
Vs
STATE OF PUNJABRespondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Manreet Singh Nagra, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.02 dated 14.01.2019, registered under Sections 302, 323, 148, 149 IPC at Police Station Kahnuwan, District Gurdaspur.

The allegations are that on 13.01.2019 at about 7.00 P.M., the complainant Manpreet Singh @ Gopi went to his parental house on account of Lohri festival. The complainant was serving in a private company at Gujarat. The house of parental uncle's son Sarwan Singh is adjoining to the house of the complainant. Complainant's uncle's son Sarwan Singh

called him to his house. The complainant went to his house where Sarwan Singh, Harpreet Singh @ Lovely, Mukhtiar Singh and their parental uncle's son Baljinder Singh along with Gurdev Singh, Shaukeen Singh and three unknown persons were consuming liquor. They asked the complainant to take liquor and the complainant refused and told them that he does not take liquor. On this, Sarwan Singh said something with regard to his status that he had refused to take liquor with them. When the complainant opposed this, they started abusing him. The complainant came back home. All the aforesaid persons in drunk condition, went to the first floor and abused the complainant. Father of the complainant was sleeping inside. The accused started throwing brickbats in the house of the complainant. On hearing noise, mother of the complainant also came outside to close the gate. She also asked the accused persons to stop. In the meanwhile, Hira Singh cousin of the complainant also came there and he also tried to stop these persons. Petitioner picked up a broken brick from the wall and threw the same which hit on the back side of head of mother of the complainant Manjit Kaur. Mother of the complainant fell down. Mukhtiar Singh, Sarwan Singh, Baljinder Singh, Gurdev Singh and Shaukeen along with unknown persons also threw brickbats in the house of complainant which hit Hira Singh as well. Father of complainant also came out and witnessed the

occurrence. Mother of the complainant ultimately succumbed to the injuries.

Learned counsel for the petitioner submitted that because of darkness the persons, who threw brickbat could not have been identified. It was a petty scuffle between family members with no intention to commit the offence under Section 302 IPC. Throwing of brickbat by the petitioner and the injury becoming fatal to Manjit Kaur would be tested on the basis of evidence to be led by the prosecution on record. Complainant Manpreet Singh has been examined as PW-4 before the trial Court and he has not supported the case of the prosecution, rather he has submitted that his mother aged 50 years, went in the courtyard and slipped there. Due to fall on the ground, she received injuries on her head and fell unconscious. She died on the way to Hospital. The complainant was cross-examined at length, but nothing incriminating could be culled out by the public prosecutor. Petitioner is in custody for the last about 1 year and 4 months as on date.

Learned counsel further submitted that the dispute was not intentional, rather the same took place on a minor issue of non-consumption of liquor by the complainant. All the accused were drunk at that time. Petitioner has three minors to maintain in the family. The petitioner was arrested on

23.11.2019.

The factual position of the case could not be disputed by learned State counsel. However, he opposed the bail on the ground that the fatal injury was attributed to the petitioner and on account of brickbat injury Manjit Kaur died. Testimony of PW-4 Manpreet Singh would be tested by the trial Court in accordance with law.

Keeping in view the aforesaid factual facts and circumstances, particularly in view of testimony of PW-4 Manpreet Singh not supporting the prosecution case, at this stage, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

March 15, 2021

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No